

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In Re:

DIAMONDHEAD CASINO)
CORPORATION,)
) C. A. No. 24-11354-JKS
ALLEGED DEBTOR.)
) Chapter 7
)

**NOTICE OF AGENDA OF MATTERS
SCHEDULED FOR HEARING ON DECEMBER 4, 2024, AT 10:00 AM.**

This proceeding will be conducted **in-person**.

All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom.

Please refer to Judge Stickles' Chambers Procedure) and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Stickles' expectations of remote participants, and the advance registration requirements.

Registration is required by 4:00 p.m. (Prevailing Eastern Time) the business day before the hearing unless otherwise noticed using the *eCourtAppearances* tool available on the Court's website.

MATTER GOING FORWARD

Motion of the Alleged Debtor, Diamondhead Casino Corporation, to Dismiss the Involuntary Bankruptcy Petition or, in the Alternative, to Convert the Case to Chapter 11 (Docket # 9, Filed 7/18/2024)

Related Documents: Chapter 7 Involuntary Petition (Docket #1, Filed 6/12/2024))

Response Deadline: 9/03/2024

Responses Received: 9/03/2024 Petitioning Creditors' Answering Brief in Opposition to Motion of the Alleged Debtor, Diamondhead Casino Corporation, to Dismiss the Involuntary Bankruptcy Petition or, in the Alternative, to Convert the Case to a Chapter 11 (Docket #11, Filed 9/03/2024)

Status: This matter is going forward on hearing in support of the Motion of the

Alleged Debtor.

5 witnesses expected to testify
5-6 hours estimated time needed

The Debtors expect to call or may call the following witnesses at the hearing:

1. Deborah Vitale, Director, Casino Corporation President and Chief Executive Officer of Diamondhead Casino Corporation
2. Gregory Harrison, Director of Diamondhead
3. Patrick Slagle, Colliers International

The Petitioners expect to call or may call the following witnesses at the hearing:

4. Edson Arneault, Petitioner and Debenture Holder
5. Jeffrey Wurst, Esq., Attorney for Petitioners
6. The parties reserve the right call any witness designated by any other party, any witness used for impeachment or rebuttal, and any witness necessary to lay the foundation for admission of exhibits.

EXHIBITS

JOINT EXHIBITS OF THE PARTIES

EXHIBIT #	Docket #	DOCUMENT	DATE
1		Appraisal: CBRE Valuation & Advisory Services : \$39.350 million	8-27-2015
2		Appraisal: Newmark Knight Frank Valuation & Advisory LLC \$54.860 million	3-19-2019
3		Appraisal: Newmark Knight Frank Valuation & Advisory LLC \$55.2 million	1-5-2024
4		Diamondhead Casino Corporation Private Placement Memorandum	2-14-2014
5		Subscription Agreement	
6	9(2)	Diamondhead Casino Corporation Amended and Restated First Tranche Collateralized Convertible Senior Debenture	
7	9(3)	Diamondhead Casino Corporation	

		Second Tranche Collateralized Convertible Senior Debenture	
8	9(4)	Land Deed of Trust	
9		Minutes of the Mississippi Gaming Commission Granting Gaming Site Approval to Mississippi Gaming Corporation	8-21-2014
10		Year in Review 2014/2015	
11	6	Email: Vitale to Wurst/Arneault	11-12-23
12		Email: Vitale to Wurst	11-13-23
		Email: Vitale to Wurst/Arneault	11-14-23
13	9(7)	Email: Arneault to Vitale	11-17-23
14	9(8)	Email: Vitale to Arneault/Wurst/Harrison	11-17-23
15	9(9)	Email: Vitale to Arneault/Wurst/Harrison	11-17-23
16	9(10)	Check for Updated Appraisal	11--20-23
17	(5)	Email: Wurst/Arneault/HarrisonWurst to Vitale/Harrison/Arneault	11-20-23
18		DHCC Minutes	12-12-23
19	9(12)	Email: Vitale to Wurst/Arneault/Harrison	11-28-23
20	9(13)	Email: Vitale to Wurst/Arneault/Harrison	1-7-24
21		Email: Vitale to Wurst	2-1-24
22	9(14)	Harrison to Emerson/Arneault	5-7-24
23	9(15)	Vitale to Harrison	6-10-24
24		Colliers Brochure I	
25		Colliers Brochure II	
26		DHCC Press Release re Colliers	6-13-24
27	9(21)	Emails: Harrison and Arneault	6-14-24
28		Form 8-K	3-31-23
29	16	DHCC Form 10-Q Pages 1, 25-26	9-30-23
	16	DHCC Form 10-K	12-31-23
30	17	DHCC Form 10-Q in full	3-31-24
31		Form 8-K & reference to Press Release dated June 13, 2024	6-20-24
32		DHCC Form 10-Q in full	9-30-24
33		Letter from Vitale to board re rent	
34		lease	
35		Mississippi Gaming Promissory Note	
36		Chart – Taxes pd by Harrison	
37		Chart – MGC payments to Harrison	
38		MGC Checks to Harrison	
39		Harrison Resume	
40		Vitale Resume	
41	12-2	Petitioning Creditor Debentures	3-31-14
42		Arneault, et. al. v. DHCC Complaint (w/out exhibits)	10-25-16
43	12-4	Settlement Agreement	12-8-19
44	12-5	Amendment to Settlement Agreement	3-1-22
45		Land Deed of Trust (Tasselli)	5-16-22
46		Email from D. Vitale to J. Wurst	4-11-23

47		Email from D. Vitale to J. Wurst	5-23-23
48		Email from J. Wurst to D. Vitale	6-2-23
49		Email from D. Vitale to J. Wurst	6-9-23
50		Email from J. Wurst to D. Vitale with attached draft Second Amendment to Settlement Agreement	6-19-23
51		Email from J. Wurst to D. Vitale (with attached Second Amendment to Settlement Agreement)	6-27-23
52		Email from D. Vitale to J. Wurst	6-29-23
53	12-6	Consent Judgment	9-20-23
54		Email from D. Vitale to J. Wurst	7-3-23
55		Email from D. Vitale to J. Wurst	11-3-23
56		Email from D. Vitale to J. Wurst	11-10-23
57		Email from D. Vitale to J. Wurst re: Liens List	11-16-23
58		Email from D. Vitale to J. Wurst	11-16-23
59		Email from D. Vitale to J. Wurst re: Diamondhead Appraisal and attaching Legal Eminent Domain	11-16-23
60	12-1	DHCC Form 10-Q	6-30-24
61		Sussman Judgment	

December 3, 2024
Date

/s/ Robert Goldberg (ID 631))
Signature